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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): H. SUTOU, et al

Serial No.: 09/492,079

Filed: January 27, 2000

For: DATA TRANSFER METHOD, APPARATUS, AND RECORDING  
MEDIUM FOR USE IN HIERARCHICAL SYSTEM

Group: 2157

Examiner: S. Wen

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**RESPONSE**Assistant Commissioner for Patents  
Washington, D.C. 20231

March 31, 2003

Sir:

The following is in response to the December 30, 2002 Office Action.

On January 8, 2003 an Information Disclosure Statement was filed submitting copies of information cited in a foreign Patent Office Action. The Examiner is respectfully requested to consider said January 8, 2003 Information Disclosure Statement.

In paragraph 2 of the Office Action the Examiner rejected claims 1-20 under 35 USC §102(b) as being anticipated by Arakawa (U.S. Patent No. 5,408,610). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as recited in claims 1-20 are not taught or suggested by Arakawa whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The present invention is directed to a method, apparatus and computer program for the transfer of data in a hierarchical network. According to the present invention, for example, as illustrated in Fig. 3, first data include an item supplied by an upper layer system is received in a current layer system. As illustrated, for example, in Fig. 7 and as discussed on page 7, lines 14-25 each item has associated therewith an attribute wherein the attribute indicates whether the item which is being processed in the current layer system is managed by the current layer system, an upper layer system or is commonly managed by the current and upper layer systems. According to the present invention the attribute information is held in the current layer system. The Examiner's attention is directed to page 10, lines 14-26, page 11, lines 1-13 and Figs. 12 and 13.

Thus, according to the present invention the attribute information held in the current layer system is updated and second data held in the current layer system can be added to the first data. Further, according to the present invention the first and second data are sent to a lower layer system.

Unique according to the present invention is that the attribute information, which may provide information for judging whether to delete an item or not, is not transmitted to any other system but is held by the current layer system so that the current layer system can determine appropriate processings to be performed on or with respect to the item. Such features are clearly not taught or suggested by any of the references of record whether taken individually or in combination with each other.

The above described features of the present invention now more clearly recited in claims are not taught or suggested by Arakawa. Arakawa teaches a communication control apparatus which communicates management information in a communication system. As taught by Arakawa, first, second and third communication control apparatuses are arranged in a logic ring with management information such as address information, being transmitted in a data packet transmitted around the ring. The feature as taught by Arakawa is illustrated, for example, in Figs. 2 and 4. As taught by Arakawa, a data packet such as that illustrated in Figs. 3 and 4-9 and 11 having a field 141 "s" indicates "a type code and the like of a packet", and consists of the control code 11... shown in Fig. 5". Reference is made to col.8, lines 59-62 of Arakawa.

The above described teachings of Arakawa do not anticipate or render the obvious the features of the present invention as now more clearly recited in the claims. Therefore, reconsideration and withdrawal of the described rejection of claims 1-20 under 35 USC §102(b) is respectfully requested.

According to Arakawa the packet, for example, as illustrated in Fig. 11 is transmitted to other computers as per Fig. 9, lines 29-49 thereof in a sequential manner so as to implement a logic ring as, for example, illustrated in Figs. 2 and 10 thereof.

The present invention differs from that taught by Arakawa being that the present invention provides for bi-directional transmission of communications between upper and lower systems. Arakawa is not directed to communications

occurring between systems in a bi-directional manner but it is simply concerned with one-way communications.

Further, there is no teachings or suggestion in Arakawa that the type code 141 of a packet is in fact transmitted to other computers in a bi-directional manner as in the present invention. Still further, there is no teaching or suggestion in Arakawa that attribute information corresponding to the item being transmitted is held only in a current layer system so as to determine whether the corresponding item is managed by the current layer system, an upper layer system or commonly by the current and upper layer systems as in the present invention.

Therefore, Arakawa fails to teach or suggest receiving first data including an item from an upper system and updating attribute information corresponding to the item held in a current system and adding second data held in the current system to the first data as recited in the claims.

Therefore, as is quite clear from the above, the features of the present invention as recited in the claims are not taught or suggested by Arakawa whether taken individually or in combination with any of the other references of record. Accordingly, reconsideration and withdrawal of the above described rejection of claims 1-20 under 35 USC §102(b) is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.38112X00).

Respectfully submitted,

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